Application No. 10/035,377
Amndt. dated: April 06, 2006
Reply to Office Action mailed: February 01, 2006

REMARKS/ARGUMENTS:

Claims 1-19 are pending in this application; claims 1, 9, 13 and 14 have been amended. No claims have been cancelled and no new claims have been added. All claims are now in condition for allowance. Consideration of the claims and the comments below are respectfully requested.

Claim Rejections under 35 US 112

Claims 1, 9 and 14 have been amended solely to address and overcome the rejections under 35 USC 112, second paragraph. The amendment of claim 13 is directly consequent to the amendment of claim 9.

Claim Rejections under 35 US 102

Claims 1-19 were again rejected under 35 USC 102(e) on the basis of US Patent 6,421,777 (Pierre-Louis). The rejection will be shown to be based on an interpretation of Pierre-Louis that clearly contradicts the explicit disclosure of Pierre-Louis. Consequently, entry of this response together with withdrawal of the rejection of finally rejected claims 1-19 is believed proper as provided by MPEP 706(e) and is solicited.

Claim 1 includes the recitation:

> ". . . providing communicative access to the requesting one of the client devices to the target boot volume, whereby the client is operable to remotely boot over the network from the *target boot volume stored at said network storage device.* (Emphasis added.)

Claim 9 includes the recitation:

> ". . . said server to receive a boot request from a client device broadcast on the network and responding to the boot request . . . to effect a boot operation by the client device *without downloading said client-specific image copy."* (Emphasis added.)

In contradistinction, the explicit teaching of Pierre-Louis is:

"The present invention discloses a server-based mechanism to monitor and change the remote boot images **downloaded to a client.** A mechanism is used to track the remote system's reboots, determine the state of the client computer, determine the appropriate boot image for the current state, switch the boot image when necessary so that **right boot image is downloaded to the remote client system** at the next boot request." (Emphasis added.) Col. 5, lines 9-16.

6

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<u>Downloading of boot images</u> to the remote client system is further emphasized by Pierre-Louis at, for example, col. 6, lines 53-58; col. 7, lines 30-34; col. 12, lines 60-64; and col. 13, lines 42-52.

Thus, the **explicit** teaching of Pierre-Louis is the **<u>antithesis</u>** of what is claimed in claims 1 and 9 so that Pierre-Louis cannot anticipate claim 1 or claim 9. In contrast to the recitations of claims 1 and 9, Pierre-Louis explicitly teaches <u>booting of a client from a boot image downloaded to the client</u>. In Pierre-Louis, a client is **not** booted from a boot image stored on the server. Pierre-Louis teaches booting by a remote client from a local **copy** of the server stored boot image **downloaded to the client**.

Likewise, claim 14 includes the recitation:

". . . said server including a communication component that receives the boot requests from the client components and provides the client components with remote *access to the client image copies on the network storage component,* including access to effect a *remote boot from a boot image copy [on the network storage component,]* allocated to a requesting client component.

For reasons similar to those discussed with regard to claims 1 and 9, claim 14 cannot be anticipated by Pierre-Louis.

Support for the amended claims may be found in Applicant's specification at page 5, lines 1-5; page 6, lines 14-21, page 9, lines 17-26, and page 15, lines 6-9, for example.

Pierre-Louis neither discloses nor suggests any of claims 1, 9 and 14 and withdrawal of the rejection of those claims is respectfully requested. Claims 2-8 directly or indirectly depend from claim 1; claims 10-13 directly or indirectly depend from claim 9; and claims 15-19 directly or indirectly depend from claim 14, and are distinguished form Pierre-Louis for at least the same reasons as their parent claims. Claims 1-19 are believed to be in condition for allowance.

7

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CONCLUSION.

Favorable consideration and early allowance of the pending claims are respectfully solicited. If there are any remaining issues that could be resolved by discussion, a telephone call to the undersigned attorney at (425) 402-4638 would be appreciated.

Date: April 06, 2006   Respectfully submitted,
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8